

REMARKS

This application has been carefully reviewed in light of the final Office Action dated February 22, 2008. Claims 12 to 22 are pending in the application, of which Claims 12, 21 and 22 are independent. Reconsideration and further examination are respectfully requested.

Claims 12 to 22 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2003/0035144 (Shima). Reconsideration and withdrawal of this rejection are respectfully requested.

The present invention concerns printing in a normal mode and in a high-speed mode of a document having images. In the high-speed mode, a judgment is made whether data received is a document that has images or does not have images. If the data has images, then a character string representing location information for the received data is printed. If the received data does not have images, then the received data is printed.

Turning to specific claim language, amended independent Claim 12 is directed to an image processing apparatus. The apparatus includes a reception unit adapted to receive second data acquired based on location information included in first data described in a markup language. The location information indicates a location at which the second data exists. The apparatus further includes a judgment unit adapted to judge whether the second data received by the reception unit is data of a predetermined type. The apparatus also includes a print unit adapted to print the location information instead of the second data if the judgment unit judges that the second data is data of the predetermined type and to print the second data if the judgment unit judges that the second data is not data of the predetermined type.

Amended independent Claims 21 and 22 are directed to a method and a computer-executable program, respectively, substantially in accordance with the apparatus of Claim 12.

Applicant submits that the applied reference of Shima is not seen to disclose or to suggest all of the features of Claims 12, 21 and 22, and in particular, is not seen to disclose or to suggest at least the features of a judgment unit adapted to judge whether the second data received by a reception unit is data of a predetermined type, and a print unit adapted to print location information instead of the second data if the judgment unit judges that the second data is data of the predetermined type and to print the second data if the judgment unit judges that the second data is not data of the predetermined type.

In this regard, page 3 of the Office Action concedes that Shima does not explicitly disclose a judgment unit adapted to judge whether second data received by a reception unit is data of a predetermined type. Nevertheless, page 3 of the Office Action alleges that in view of Shima (Figure 4 and paragraphs [0056] and [0059]), this feature would have been obvious to one of ordinary skill in the art at the time of the invention. In this regard, the Office Action alleges that “[w]hile a judgment is not explicitly stated to be performed, the access/information extraction section 48 is to identify the type of information that is being gathered”. Applicant respectfully disagrees with these allegations.

As understood by Applicant, Shima is directed to a network printer that stores a network address where contents are retained, location information of necessary contents within the retained contents, and print layout information of the contents. (See Shima, Abstract). The network printer accesses the network address with a preset timing,

receives the retained contents, extracts the necessary contents according to the location information, and prints the necessary contents according to the print layout information. (See Shima, Abstract).

The cited portions of Shima are merely seen to disclose that if a tag location to be printed contains a hyperlink to an external URL, then a user can select whether to print the hyperlink as displayed or to print the hyperlink destination contents. (See Shima, Figure 4 and paragraphs [0056] and [0058]). If the user selects to print the destination contents, then an access/information extracting section obtains the contents at the link destination and embeds the contents for printing. (See Shima, paragraph [0059]). However, the access/information extracting section of Shima is merely seen to obtain link destination content if instructed by a user, and is not seen to identify a type of information being gathered as alleged by the Office Action. Thus, the access/information extracting section of Shima is not seen to make any determinations regarding printing; rather, only a user's selection determines which contents are to be printed.

In addition, in the present invention, second data is judged *after received* by a reception unit, and then a determination is made whether the second data is printed or location information of the second data is printed. In contrast, in Shima, a user selects whether to print a hyperlink as displayed or the hyperlink destination content data *before* the content data is *received*. Thus, a user decides whether to print the hyperlink as displayed or the hyperlink destination content data before any judgment can be made regarding the type of content data. Accordingly, if the destination content data is selected to be printed by the user, the content data is printed regardless of data type and a printer error may occur. The judgment unit and print unit features of the present invention can

prevent such a printer error from occurring, and are therefore not rendered obvious in view of Shima.

Therefore, the applied reference of Shima is not seen to disclose or to suggest the features of a judgment unit adapted to judge whether the second data received by a reception unit is data of a predetermined type, and a print unit adapted to print location information instead of the second data if the judgment unit judges that the second data is data of the predetermined type and to print the second data if the judgment unit judges that the second data is not data of the predetermined type.

In view of the foregoing deficiencies of Shima, Applicant submits that amended independent Claims 12, 21 and 22 are now in condition for allowance and respectfully requests same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

As a formal matter, Applicant notes that the Office Action Summary did not include an indication acknowledging Applicant's claim to priority under 35 U.S.C. § 119, or receipt of the certified copy of the priority document, which was filed in the Patent Office on January 20, 2004. Thus, the Examiner is requested to provide such an acknowledgment in the next communication.

No other matters having been raised in the Office Action, and in view of the foregoing amendments and remarks, the entire application is believed to be in condition for

allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

No claims fees are believed due; however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank L. Cire, #42419/

Frank L. Cire

Attorney for Applicant

Registration No.: 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 2169856v1